

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

GARY DEAN MISHLER,

CV 07-371-MA

Petitioner,

OPINION AND ORDER

v.

CHARLES DANIELS,  
Warden, FCI-Sheridan,

Respondent.

GARY DEAN MISHLER  
Federal Register No. 29313-112  
Federal Correctional Institution  
P.O. Box 5000  
Sheridan, Oregon 97378-5000

Petitioner, *Pro Se*

KARIN J. IMMERGUT  
United States Attorney  
SCOTT ERIK ASPHAUG  
Assistant United States Attorney  
United States Attorney's Office  
District of Oregon  
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Portland, OR 97204-2902

Attorneys for Respondent

MARSH, Judge:

Petitioner, an inmate in the custody of the Federal Bureau of Prisons (BOP), currently housed at the Federal Correctional Institution (FCI) Sheridan, brings this habeas corpus proceeding pursuant to 28 U.S.C. § 2241.

Petitioner seeks an order requiring the BOP to cease collecting restitution payments from him, which are currently being collected pursuant to the Inmate Financial Responsibility Program (IFRP), and to identify petitioner as "IFRP exempt".

By his Answer, dated May 21, 2007, Respondent acknowledged Petitioner is entitled to the relief requested. However, Respondent argued that the court should not grant the writ because the BOP would voluntarily grant the relief Petitioner requested. On June 6, 2007, however, Petitioner filed a *pro se* Reply indicating prison officials expressly refused to honor the position taken in Respondent's Answer.

Based upon the concession in Respondent's Answer, the court hereby GRANTS Petitioner's Petition for Writ of Habeas Corpus, and ORDERS the BOP to cease collecting restitution payments from Petitioner, and to identify petitioner as "IFRP exempt."

IT IS SO ORDERED.

DATED this \_8\_ day of August, 2007.

/s/ Malcolm F. Marsh  
Malcolm F. Marsh  
United States District Judge